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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,083	09/30/2004		Hugh Alexander Spikes	550-594	9948
23117	7590	07/05/2006		EXAMINER	
		RHYE, PC	n	FOOTLAND, LENARD A	
ARLINGTO		ROAD, 11TH FLOO: 22203	K	ART UNIT	PAPER NUMBER
				3682	

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	10/509,083	SPIKES, HUGH ALEXANDER				
Office Action Summary	Examiner	Art Unit				
	Lenard A. Footland	3682				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim rill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	l. ely filed the mailing date of this communication. C (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 21 Ag 2a) This action is FINAL. 2b) This 3) Since this application is in condition for allowar closed in accordance with the practice under E	action is non-final. nce except for formal matters, pro					
Disposition of Claims						
4) ⊠ Claim(s) <u>1-26</u> is/are pending in the application. 4a) Of the above claim(s) is/are withdray 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are rejected. 7) □ Claim(s) is/are objected to. 8) ⊠ Claim(s) <u>1-26</u> are subject to restriction and/or example.	vn from consideration.					
9) The specification is objected to by the Examine						
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.						
Applicant may not request that any objection to the one Replacement drawing sheet(s) including the correction						
11) The oath or declaration is objected to by the Ex	•	, ,				
Priority under 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
Attachment(s) 1) \(\sum \) Notice of References Cited (PTO-892) 2) \(\sum \) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4)					
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date		atent Application (PTO-152)				

Application/Control Number: 10/509,083

Art Unit: 3682

This supplemental restriction supersedes the previous restriction requirement.

This application contains claims directed to the following patentably distinct species of the claimed invention: the species of $(s \in s p \in c, p, l \in s, l \in s)$ Figure(s) 7-8 versus that of Fig(s). 3a versus Fig(s). 9-10.

Applicant is required under 35 U.S.C. § 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a response to this requirement must include an identification of the species that is elected consonant with this requirement, AND A LISTING OF ALL CLAIMS READABLE THEREON (NOT, FOR EXAMPLE, "AT LEAST CLAIMS..."),

INCLUDING ANY CLAIMS SUBSEQUENTLY ADDED, AND IF THE AMENDMENT OF ANY CLAIMS RESULTS IN A CHANGE OF THE SPECIES THEY READ UPON, THAT TOO SHOULD BE INDICATED.

FAILURE TO DO SO MAY RESULT IN A HOLDING OF

NONRESPONSIVENESS. (Note that any "schematically" illustrated elected species may not schematically represent plural embodiment varying claimed features, unless clarified by drawing corrections, to be responsive.) An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.1

¹ Applicants may wish to consider listing claims readable with care in view of the possible consequences of having to later cancel them.

Application/Control Number: 10/509,083

Art Unit: 3682

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. M.P.E.P. § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. § 103 of the other invention.

The elected species is limited to the features set forth in the elected figures, and does not include features not illustrated in those figures, or illustrated in other figures. Accordingly, applicant should review all claims to ensure that all features of the elected species are properly illustrated, as required, in order to avoid a holding that an unillustrated feature does not form part of the elected species.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lenard A. Footland, whose telephone number is (571) 272-7103.

Art Unit: 3682

Lenard A. Footland

Primary Examiner

Technology Center 3600

Art Unit 3682

laf